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**From:** Spangler, Matthew [Spangler.Matthew@epa.gov]  
**Sent:** 3/26/2019 8:45:45 PM  
**To:** Law, Donald [Law.Donald@epa.gov]; Wauters, Patrick [wauters.patrick@epa.gov]; Carrillo, Andrea [Carrillo.Andrea@epa.gov]; Laumann, Sara [Laumann.Sara@epa.gov]; Schramm, Daniel [Schramm.Daniel@epa.gov]  
**Subject:** RE: Revised ND Source Determination Memo for CS and CCMC - DRAFT

Glad to hear your thoughts, DJ.

## Ex. 5 Deliberative Process (DP)

Matt Spangler  
U.S. EPA/ OAQPS/ AQPD/ OPG  
(919) 541-0327 | [spangler.matthew@epa.gov](mailto:spangler.matthew@epa.gov)

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**From:** Law, Donald  
**Sent:** Tuesday, March 26, 2019 1:40 PM  
**To:** Spangler, Matthew <Spangler.Matthew@epa.gov>; Wauters, Patrick <wauters.patrick@epa.gov>; Carrillo, Andrea <Carrillo.Andrea@epa.gov>; Laumann, Sara <Laumann.Sara@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>  
**Subject:** RE: Revised ND Source Determination Memo for CS and CCMC - DRAFT

Matt,

I've read over ND's draft and your comments and I tend to agree with what you have stated.

## Ex. 5 Deliberative Process (DP)

# Ex. 5 Deliberative Process (DP)

**From:** Spangler, Matthew

**Sent:** Friday, March 22, 2019 8:10 AM

**To:** Wauters, Patrick <[wauters.patrick@epa.gov](mailto:wauters.patrick@epa.gov)>; Law, Donald <[Law.Donald@epa.gov](mailto:Law.Donald@epa.gov)>; Carrillo, Andrea <[Carrillo.Andrea@epa.gov](mailto:Carrillo.Andrea@epa.gov)>; Laumann, Sara <[Laumann.Sara@epa.gov](mailto:Laumann.Sara@epa.gov)>; Schramm, Daniel <[Schramm.Daniel@epa.gov](mailto:Schramm.Daniel@epa.gov)>

**Subject:** RE: Revised ND Source Determination Memo for CS and CCMC - DRAFT

Patrick, thanks for sharing. My comments:

## Ex. 5 Deliberative Process (DP)

- Top of page 2: “source determinations are to be made with regards to which entity has control over and monitoring of air pollution emissions.”

## Ex. 5 Deliberative Process (DP)

- Page 2: “The guidance from the Meadowbrook Letter is to focus on pollution emitting activities and which entity has the ultimate responsibility for compliance with the control and monitoring of these activities.”

## Ex. 5 Deliberative Process (DP)

- Page 3: “Notwithstanding CS retaining authority to approve the Plan, the Plan is required to “be prepared in accordance with Applicable Laws”. Regardless of CS having authority to approve the Plan, CS cannot require anything in the Plan which would cause the CCMC to violate any applicable laws, including the NDAPCR. Therefore, CCMC maintains the ultimate authority to dictate decisions regarding environmental compliance.”

## Ex. 5 Deliberative Process (DP)

# Ex. 5 Deliberative Process (DP)

Matt Spangler  
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**From:** Wauters, Patrick  
**Sent:** Thursday, March 21, 2019 5:33 PM  
**To:** Law, Donald <[Law.Donald@epa.gov](mailto:Law.Donald@epa.gov)>; Spangler, Matthew <[Spangler.Matthew@epa.gov](mailto:Spangler.Matthew@epa.gov)>; Carrillo, Andrea <[Carrillo.Andrea@epa.gov](mailto:Carrillo.Andrea@epa.gov)>; Laumann, Sara <[Laumann.Sara@epa.gov](mailto:Laumann.Sara@epa.gov)>; Schramm, Daniel <[Schramm.Daniel@epa.gov](mailto:Schramm.Daniel@epa.gov)>  
**Subject:** FW: Revised ND Source Determination Memo for CS and CCMC - DRAFT

Hi all,

I just received the latest draft response to comments from ND regarding Coyote Station (they are calling a source determination memo). I will be looking over it as soon as I can but just wanted to forward it out immediately. Let me know what comments/questions you have, I'll be trying to get feedback to ND by early next week.

Patrick

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**From:** Stroh, David E. <[deStroh@nd.gov](mailto:deStroh@nd.gov)>  
**Sent:** Thursday, March 21, 2019 3:10 PM  
**To:** Wauters, Patrick <[wauters.patrick@epa.gov](mailto:wauters.patrick@epa.gov)>  
**Cc:** Fallon, Gail <[fallon.gail@epa.gov](mailto:fallon.gail@epa.gov)>; Semerad, Jim L. <[jsemerad@nd.gov](mailto:jsemerad@nd.gov)>  
**Subject:** Revised ND Source Determination Memo for CS and CCMC - DRAFT

Patrick,

I have attached a revised draft of North Dakota's source determination memorandum for Coyote Station (CS) and Coyote Creek Mine (CCM). This revised draft memo focuses on the LSA and Meadowbrook letter and not on response to comments provided by CS and CCM in their respective responses to comments (which is what the first draft memo highlighted).

Note: our legal hasn't reviewed this revised draft, but we would still appreciate your review and comments.

Once reviewed, please give me a call and we can discuss next steps. If I hear from our legal between now and then, I will contact you with any significant changes we are made aware of.

Thanks,  
David Stroh  
*Environmental Engineer*

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918 E. Divide Ave. • Bismarck, ND 58501

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**From:** Stroh, David E.

**Sent:** Friday, February 15, 2019 10:54 AM

**To:** 'Wauters, Patrick' <[wauters.patrick@epa.gov](mailto:wauters.patrick@epa.gov)>; 'Fallon, Gail' <[fallon.gail@epa.gov](mailto:fallon.gail@epa.gov)>

**Cc:** O'Clair, Terry L. <[toclair@nd.gov](mailto:toclair@nd.gov)>; Semerad, Jim L. <[jsemerad@nd.gov](mailto:jsemerad@nd.gov)>; Thorstenson, Craig D. <[cthorstenson@nd.gov](mailto:cthorstenson@nd.gov)>; Schneider, Kyla K. <[kkschneider@nd.gov](mailto:kkschneider@nd.gov)>

**Subject:** North Dakota Source Determination Memo for CS and CCMC - DRAFT

Gail and Patrick,

As a follow-up to our call on February 14, 2019 and regarding the ongoing work with EPA in completing our stationary source determination for the Coyote Station and Coyote Creek Mining Company; please see the attached DRAFT source determination.

The Department has appreciated EPA's comments to date and requests EPA Region 8 review the attached. A follow-up with the Department would be appreciated to provide assurance that the direction taken satisfies the source determination criteria (or provide feedback on the Department's DRAFT determination). This will help ensure not only that the proper decision will be made, but the supporting documentation sufficiently supports this decision.

Please contact me upon review to discuss the next steps.

Thanks,

David Stroh  
*Environmental Engineer*

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